

PTO/SB/17 (11-00)

Approved for use through 10/31/2002. OMB 0851-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL

## for FY 2003

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$474.00)

## Complete if Known

Application Number 09/596,330  
 Filing Date June 16, 2000  
 First Named Inventor Martin et al  
 Examiner Name Glenn Dawson  
 Group Art Unit 3761  
 Attorney Docket No. 3869/006

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 07-1730

Deposit Account Name Gottlieb, Rackman &amp; Reisman, P.C.

☒ Charge Any Additional Fee Required Under 37 CFR 1.10 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	
106 320	208 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$0.00)

## 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
23	-20** = 3	X 18.00	54.00
3	-3** = 0	X 84.00	0.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	208 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$54.00)

\*for number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	420.00
116 380	216 195	Extension for reply within second month	
117 690	217 445	Extension for reply within third month	
118 1,380	218 895	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 130	123 130	Petitions related to provisional applications	
128 180	128 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
148 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 800	169 800	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$420.00)

## SUBMITTED BY

Name (Print Type) Raymond B. Churchill, Jr.

Registration No. (Attorney/Agent)

44,617

## Complete (if applicable)

Telephone 212-684-3900

Signature

Date Dec. 29, 2003

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 9.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

3869/006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : Martin et al.  
SERIAL NO. : 09/596,730  
FILING DATE : June 16, 2000  
GROUP ART UNIT : 3761  
EXAMINER : GLENN DAWSON  
TITLE : APPARATUS WITH AUTOMATIC RESPIRATION  
MONITORING AND DISPLAY

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**FACSIMILE TRANSMITTAL OF AMENDMENT AND  
RESPONSE TO OFFICE ACTION AFTER FINAL**

Sir:

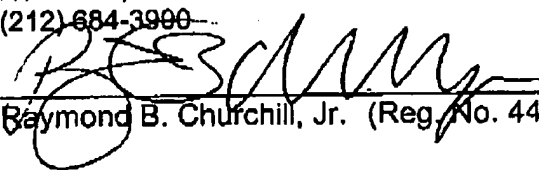
The Applicant hereby transmits the following documents in response to the Final Office Action dated July 31, 2003.

- (1) Amendment and Response to Office Action (9 pages);
- (2) fee transmittal form in duplicate (2 pages) for two month extension and additional claim fees;

The Commissioner is authorized to charge any additional fees that may be required, or to credit any overpayment, to our Deposit Account No. 07-1730.

I hereby certify that the foregoing documents are being facsimile transmitted to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 Washington, DC 20231 at telephone number 703-872-9303 on the date below.

GOTTLIEB, RACKMAN & REISMAN, P.C.  
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Dated: December 29, 2003  
Raymond B. Churchill, Jr. (Reg. No. 44,617)

#11/B M  
210 P.03  
1/24/11

3869/006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : MARTIN ET AL.  
SERIAL NO. : 09/596,730  
FILING DATE : June 16, 2000  
GROUP ART UNIT : 3761  
EXAMINER : GLENN DAWSON  
(replacing Mark A. Rademacher)  
TITLE : APPARATUS WITH AUTOMATIC RESPIRATION  
MONITORING AND DISPLAY

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DEC 29 2003

**OFFICIAL**

**AMENDMENT AND RESPONSE TO  
OFFICE ACTION AFTER FINAL**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Amendment and Response to Office Action is filed in response to the Office Action dated July 31, 2003. Applicant requests that the Examiner reconsider the application as amended herein.

**In the claims:**

Amend claims 1, 5, 6, 14, 26 and 31 and add new dependent claims 35-39 as shown in the Claim Amendments section beginning at page 2 of this amendment.

**Remarks:**

A Remarks section appears on page 8 of this amendment.